

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No. 896 of 1997

in

SPECIAL CIVIL APPLICATION No. 2706 of 1997

For Approval and Signature:

Hon'ble THE CHIEF JUSTICE MR. K.SREEDHARAN

and

MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
1 to 5 : NO

DABHOI NAGARPALIKA

Versus

DAHYABHAI S VANKAR

Appearance:

MR SV PARMAR for Appellant

CORAM : THE CHIEF JUSTICE MR. K.SREEDHARAN and

MR.JUSTICE A.R.DAVE

Date of decision: 02/05/98

ORAL JUDGEMENT [Per : K. Sreedharan, CJ.]

Dabhoi Nagarpalika, respondent in Special Civil Application No. 2706 of 1997 is the Appellant. Respondents herein were engaged by the Appellant for spraying DDT under the Malaria Eradication Programme.

They continued to work under the appellant for more than 240 days. Without complying with the provisions of Section 25-F of the Industrial Disputes Act, their services were terminated. They raised an industrial dispute. Their dispute was entertained by the Labour Court. After appreciating the entire evidence led by the parties, Labour Court directed the appellant to reinstate respondents in service and to pay them back wages at the rate of 12 days wages per month, during which they were kept out of service. Appellant challenged the award of the Labour Court in Special Civil Application No. 2706 of 1997. Learned Single Judge by his order dated 29-7-1997 dismissed the application. Hence, this appeal.

2. The fact that respondents were workmen as defined under the Industrial Disputes Act is not in dispute. They worked for more than 240 days in a year, under the Appellant, is also not in controversy. Their services were terminated without complying with the provisions contained in Section 25F of the Industrial Disputes Act. So, the Labour Court rightly directed reinstatement with limited back-wages. That Award when challenged before this Court, invoking provisions contained under Article 227 of the Constitution, the learned Single Judge rightly declined to interfere with the same because this Court cannot substitute its view for those of the Labour Court. In this view of the matter, we do not find any merit in this appeal. It is accordingly dismissed.

{K. Sreedharan, CJ.}

{A.R Dave, J.}

Prakash*